

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chair Bruce Tutvedt, on January 27, 2011 at 8:00 AM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Bruce Tutvedt, Chair (R)
Sen. Bob Lake, Vice Chair (R)
Sen. Ron Arthun (R)
Sen. Gary Branae (D)
Sen. Ron Erickson (D)
Sen. Jeff Essmann (R)
Sen. Kim Gillan (D)
Sen. Christine Kaufmann (D)
Sen. Kendall Van Dyk (D)
Sen. Art Wittich (R)

Members Excused:

Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Lee Heiman, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 190, 1/18/2011

Executive Action: SB 190 ~ Tabled

HEARING ON SB 190

Opening Statement by Sponsor:

00:00:52 Sen. Jeff Essmann (R), SD 28, opened the hearing on SB 190, Revise income tax - capital gains for held business - estate federal tax deduction.

[EXHIBIT\(tas21a01\)](#)

[EXHIBIT\(tas21a02\)](#)

Proponents' Testimony: None

Opponents' Testimony:

00:12:52 Evan Barrett, Chief Business Officer, Governor's Office of Economic Development

00:16:47 George S. Olsen, representing Montana Society of CPAs (MSCPA)

Informational Testimony:

00:19:46 Ed Caplis, Director of Tax Policy and Research, Department of Revenue, DOR

Questions from Committee Members and Responses:

00:20:13 Sen. Van Dyk
 00:21:08 Ed Caplis, DOR
 00:22:20 Sen. Van Dyk
 00:22:31 Ed Caplis
 00:23:28 Sen. Wittich
 00:23:44 Ed Caplis
 00:24:04 Sen. Wittich
 00:24:49 Sen. Essmann
 00:25:15 Sen. Wittich
 00:26:23 Sen. Essmann
 00:27:16 Sen. Wittich
 00:27:50 Evan Barrett, Office of the Governor
 00:28:53 Sen. Wittich
 00:29:40 Evan Barrett
 00:32:02 Sen. Arthun
 00:32:49 Sen. Essmann
 00:33:27 Sen. Arthun
 00:33:50 Sen. Essmann
 00:34:14 Sen. Kaufmann
 00:34:39 Alan Peura, Deputy Director, DOR
 00:37:18 Sen. Kaufmann
 00:37:26 Alan Peura, DOR
 00:39:06 Chairman Tutvedt
 00:39:17 Alan Peura

00:39:49 Chairman Tutvedt
 00:40:32 Alan Peura
 00:41:17 Chairman Tutvedt
 00:41:32 Alan Peura
 00:42:07 Sen. Erickson
 00:44:10 Sen. Essmann
 00:46:49 Sen. Branae
 00:47:08 Ed Caplis
 00:47:27 George Olsen, MSCPA
 00:48:30 Sen. Branae
 00:48:40 George Olsen
 00:49:05 Chairman Tutvedt
 00:49:28 George Olsen
 00:51:23 Chairman Tutvedt
 00:51:31 George Olsen
 00:56:31 Ed Caplis
 00:56:46 Sen. Erickson
 00:58:09 Ed Caplis
 00:59:26 Chairman Tutvedt
 01:00:10 Sen. Gillan
 01:01:33 Chairman Tutvedt
 01:02:00 Lee Heiman, Legislative Services Division (LSD)
 01:02:28 Chairman Tutvedt

Closing by Sponsor:

01:03:13 Sen. Essmann

Committee Business:

01:07:37 Chairman Tutvedt
 01:08:25 Alan Peura
 01:09:30 Sen. Tutvedt
 01:09:41 Sen. Lake
 01:11:25 Sen. Kaufmann
 01:12:41 Chairman Tutvedt
 01:13:30 Sen. Essmann

EXECUTIVE ACTION ON SB 190

(Senators Peterson and Vincent are excused)

01:13:36 **Motion:** Sen. Van Dyk moved that **SB 190 DO PASS.**

01:14:16 **Substitute Motion/Vote:** Sen. Essmann made a substitute motion that **SB 190 BE TABLED.** Substitute Motion carried unanimously by voice vote of those present and voting.

01:14:37 Chairman Tutvedt
 01:15:12 Sen. Gillan

ADJOURNMENT

Adjournment: 10:20 A.M.

Debra Polhemus, Secretary

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Additional Exhibits:

EXHIBIT(tas21a03)

Information from Dan Bucks, DOR, relative to the Business Equipment Tax

EXHIBIT(tas21a04)

Fiscal note on SB 244 as mentioned by Sen. Balyeat during the hearing on
SB 199 heard in committee on January 26, 2011

Additional Documents:

EXHIBIT([tas21aad.pdf](#))